

Docket JLC-V4

DECLARATION, POWER OF ATTORNEY AND PETITION

I, JAMES L. COX, hereby declare that I am a citizen of the United States and a resident of the city indicated below; I further declare that I have read and understand the foregoing specification and claims in the patent application entitled. METHOD OF REPLACING SEMILUNAR HEART VALVES USING FLEXIBLE TUBES, and I verily believe I am the original and first inventor of the invention or discovery described and claimed therein; that I do not know and do not believe that the same was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application; that the same was not in public use or on sale in the United States of America more than one year prior to this application; that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application; that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a); that I do not claim foreign priority benefits under Title 35, United States Code, §119, of any foreign application for patent or inventor's certificate; that no foreign application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns.


This is a divisional application, and I claim the benefit under Title 35, United States Code, §120, of a prior United States application, serial number 08/459,979, filed on June 2, 1995, which in turn was a divisional application of United States application serial number 08/146,938, filed on November 1, 1993. I further acknowledge my duty to disclose information of which I

am aware which is material to the examination of this application in accordance with 37 CFR 1.56 if such information occurred between November 1, 1993 (the filing date of the first above-cited parent application) and the filing date of this current application.

I further declare that all statements made of my own knowledge are true, and that all statements made on information and belief are believed to be true, and that I have been warned that willful false statements and the like are punishable by fine or imprisonment or both, under 18 U.S.C. §1001 and may jeopardize the validity of the application or any patent issuing thereon.

I hereby appoint Patrick D. Kelly, Registration No. 30,650, of 33 Berry Oaks, St. Louis, Missouri, 63122, as my attorney with full power of substitution and revocation, to prosecute this application and to transact all business connected therewith in the United States Patent and Trademark Office, and in any patent office of any foreign nation, state, or organization.

WHEREFORE, I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition, this 16<sup>th</sup> day of October, 1996.

  
James L. Cox  
7 Dromara Road  
Ladue, MO 63124



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

JULY 01, 1999

PTAS  
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\*101027066A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 04/29/1999

REEL/FRAME: 9912/0055  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
CARDIAC CONCEPTS, INC.

DOC DATE: 08/12/1998

ASSIGNEE:  
3F THERAPEUTICS, INC.  
20412 JAMES BAY CIRCLE  
LAKE FOREST, CALIFORNIA 92630

SERIAL NUMBER: 08748055  
PATENT NUMBER:

FILING DATE: 11/13/1996  
ISSUE DATE:

SERIAL NUMBER: 08146938  
PATENT NUMBER: 5480424

FILING DATE: 11/01/1993  
ISSUE DATE: 01/02/1996

SERIAL NUMBER: 08459979  
PATENT NUMBER: 5713950

FILING DATE: 06/02/1995  
ISSUE DATE: 02/03/1998

SERIAL NUMBER: 08749335  
PATENT NUMBER: 5824063

FILING DATE: 11/14/1996  
ISSUE DATE: 10/20/1998

NO DATES DOCKETED  
ATTORNEY RESPONSIBLE  
INITIAL \_\_\_\_\_

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JD Docket No. 816020-100056

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LAWAN FLETCHER, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

**RECORDATION FORM COVER SHEET  
PATENTS ONLY**

TO THE ASSISTANT COMMISSIONER FOR PATENTS: Please record the attached original documents or copy thereof.

## 1. Name of conveying party:

Cardiac Concepts, Inc.

Additional name of conveying party) attached?

() Yes (X) No

## 2. Name and address of receiving party:

Name: 3F Therapeutics, Inc.

Address: 20412 James Bay Circle

City: Lake Forest State: California ZIP: 92630

Additional name of receiving party attached?

() Yes (X) No

## 3. Nature of conveyance:

- (X) Assignment  
( ) Merger  
( ) Security Agreement  
( ) Change of Name  
( ) Other:

Execution Date: August 12, 1998

## 4. Application numbers or Patent numbers:

(X) Patent Application No.: 08/748,055  
Filing Date: 11/13/96

(X) Patent No.: 5,480,424  
Issue Date: 01/02/96

(X) Patent No.: 5,713,950  
Issue Date: 02/03/98

(X) Patent No.: 5,824,063  
Issue Date: 10/20/98

Additional numbers attached? ( ) Yes (X) No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Lori L. Yamato  
KNOBBE, MARTENS, OLSON & BEAR, LLP  
Customer No. 20,995

Internal Address: Sixteenth Floor

Street Address: 620 Newport Center Drive

City: Newport Beach State: CA ZIP: 92660

Attorney's Docket Nos.:

3FTHERA.002A/002DV1/2DVDV1/2DVDV2

## 7. Total fee (37 CFR 3.41): \$160

- (X) Enclosed  
(X) Authorized to be charged to deposit account if any additional fees are required, or to credit any overpayment

## 8. Deposit account number: 11-1410

Please charge this account for any additional fees which may be required, or credit any overpayment to this account.

6. Total number of applications and patents involved:  
Four (4)

## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct, and any attached copy is a true copy of the original document.

Lori L. Yamato  
Name of Person Signing

Signature

Date

40,881

Registration No.

Total number of pages including cover sheet, attachments and document: 3

Mail documents to be recorded with required cover sheet information to:

Assistant Commissioner for Patents  
Box Assignments  
Washington, D.C. 20231

## ASSIGNMENT

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Cardiac Concepts, Inc., a Wyoming corporation ("Assignor"), does hereby assign to 3F Therapeutics, Inc., a Delaware corporation ("Assignee"), and Assignee does hereby accept the assignment by Assignor of, any and all of Assignor's right, title and interest in and to any and all intellectual property (including without limitation patent rights, trade secret rights, and copyrights) Assignor currently possesses relating to biological heart valve, including, without limitation, all right, title and interest in and to the improvements disclosed in U.S. Patent No. 5,480,424 entitled Heart Valve Replacement Using Flexible Tubes (attached as Exhibit A hereto) and U.S. Patent No. 5,713,950 entitled Method of Replacing Heart Valves Using Flexible Tubes (attached as Exhibit B hereto), together with all right, title and interest in and to said patents and all applications claiming priority thereto, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof (collectively, the "Invention"). At any time and from time to time hereafter, Assignor shall, upon Assignee's written request and expense, execute and deliver to Assignee any and all further instruments and assurances necessary or expedient in order to vest the aforesaid intellectual property rights more effectively in Assignee.

Assignor hereby represents and warrants to Assignee, its successors and assigns that (i) Assignor is the sole owner of the Invention and, therefore, sole owner of all intellectual property right, title and interest in and to the Invention (subject to Assignee's right to an assignment thereof, as aforesaid); and (ii) Assignor has not heretofore granted to any other party a license to utilize any of the Invention, or any portion thereof; nor has Assignor entered into any agreement or reached any understanding with any other party, written or oral, pursuant to which such other party has an option, right or expectation to acquire or be granted a license to utilize the Invention, or any portion thereof, or any other interest therein of any kind whatsoever; and (iii) Assignor is not aware of any United States or foreign patent or copyright of any other party, issued or pending, that is, or might be, infringed by Assignee's production, use or sale of products embodying the Invention, or Assignee's utilization of the Invention; and (iv) Assignor is not

Dated: August 12, 1998

By:

By :

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